

# Adams County Legal Journal

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COMMONWEALTH VS. ARMSTRONG

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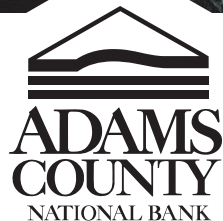
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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1610 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution  
No. 09-S-1610

NATIONAL CITY MORTGAGE, A  
DIVISION OF NATIONAL CITY BANK  
vs.

KATHLEEN MAYE YEAGER and  
MICHAEL H. YEAGER

1298 HILLTOWN ROAD  
BIGLERVILLE, PA 17307-9223

Parcel No.: (12)D10-0091--000  
(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$259,530.14

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Kathleen Maye Yeager & Michael H. Yeager** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 30, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

6/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1949 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution  
No. 09-S-1949

BRANCH BANKING & TRUST  
COMPANY

vs.

DAVID E. POWERS

726 FISH AND GAME ROAD  
EAST BERLIN, PA 17316-9549

Parcel No.: 36.L06-13

(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$120,845.64

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **David E. Powers** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 30, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

6/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-2003 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

**SHORT DESCRIPTION**

By virtue of Writ of Execution  
No. 09-S-2003

WELLS FARGO BANK, N.A.  
vs.

JONATHAN E. WILLIAMS

40 CEDARFIELD DRIVE  
GETTYSBURG, PA 17325-7992

Parcel No.: 06-009-0134  
(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$198,241.05

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Jonathan E. Williams** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 30, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

6/11, 18 & 25

## COMMONWEALTH VS. ARMSTRONG

1. Generally, evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion.

2. Where self-defense is asserted in a homicide trial, the defendant may introduce evidence of a turbulent or dangerous character of the decedent. This evidence is admissible on two grounds: 1) to corroborate the defendant's alleged knowledge of the victim's violent character in an effort to show that the defendant reasonably believed his life was in danger, and 2) to prove the allegedly violent propensities of the victim to show that the victim was in fact the aggressor.

3. If the evidence sought to be admitted is a prior act of violence not reduced to a criminal conviction, the violent act or acts must be known to the defendant at the time of the homicide.

4. Having established knowledge of the decedent's violent character, defendant is entitled to buttress his claim with evidence of the decedent's violent character. The violent incidents cannot be remote in time and must be indicative of the victim's aggression and dangerous behavior.

5. Defendant's knowledge of the decedent's character is unnecessary if the character evidence is offered to prove the decedent, with his violent propensities, was the aggressor.

6. To establish the defense of self-defense it must be shown that a) the slayer was free from fault in provoking or continuing the difficulty which resulted in the slaying; b) that the slayer must have reasonably believed that he was in imminent danger of death or great bodily harm, and that there was a necessity to use such force in order to save himself therefrom; and c) the slayer did not violate any duty to retreat or to avoid the danger.

7. The Commonwealth need only disprove one of the three elements to defeat a claim of self-defense.

8. When the accused raises an issue of self-defense, the burden is on the Commonwealth to prove beyond a reasonable doubt that the killing was not done in self-defense.

In the Court of Common Pleas of Adams County, Pennsylvania,  
Criminal, No. CR-648-2008, COMMONWEALTH OF PENNSYLVANIA VS. JASON REUBEN ARMSTRONG.

Shawn C. Wagner, Esq., for Commonwealth

Jeffery Cook, Esq., for Defendant

Kuhn, P.J., December 2, 2009

### OPINION ON DEFENDANT'S SECOND MOTION IN LIMINE

On June 24, 2009, Defendant filed a Second Motion in Limine seeking to introduce evidence showing the alleged victim's character for being short-tempered and violent. Such evidence includes, but is not limited to, testimony that the alleged victim threatened his step-father with death and threatened other individuals by pulling a knife

and menacing them with it. Defendant alleges these prior acts are admissible to show the victim's violent propensities, his role as the likely aggressor, and to demonstrate the reasonableness of Defendant's use of deadly force. Defendant claims he had knowledge of these alleged prior violent acts of the victim at the time of the alleged homicide.

Generally, "[e]vidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion." **Pa. R.E. 404(a)**. However, "[i]n a criminal case, subject to limitations imposed by statute, evidence of a pertinent trait of character of the alleged victim is admissible when offered by the accused, or by the prosecution to rebut the same." **Pa. R.E. 404(a)(2)(i)**. Where self-defense is asserted in a homicide trial, the defendant may introduce evidence of the turbulent or dangerous character of the decedent. *Com. v. Dillon*, 598 A.2d 963, 964 (Pa. 1991). This evidence is admissible on two grounds: 1) to corroborate the defendant's alleged knowledge of the victim's violent character in an effort to show that the defendant reasonably believed his life was in danger, and 2) to prove the allegedly violent propensities of the victim to show that the victim was in fact the aggressor. *Id.* at 964-65.

"In a homicide trial, a defendant asserting self-defense may introduce evidence of the violent and dangerous character of the victim in an effort to establish that the defendant reasonably believed that his life was in danger and the victim's death was justified." *Com. v. Stewart*, 647 A.2d 597, 598 (Pa. Super 1994). If the evidence sought to be admitted is a prior act of violence not reduced to a criminal conviction, the violent act or acts must be known to the defendant at the time of the homicide. *Id.* "Where this character evidence is proffered to corroborate the defendant's state of mind, the defendant must demonstrate knowledge of the decedent's character or reputation in order to establish a proper foundation for [his] claim that such knowledge put [him] in fear." *Dillon*, 498 A.2d at 965. Having established knowledge of the decedent's violent character, defendant is entitled to buttress his claim with evidence of the decedent's violent character. *Id.* The violent incidents cannot be remote in time and must be indicative of the victim's aggression and dangerous behavior. *Stewart*, 647 A.2d at 598. "If the accused has knowledge

of the victim's prior violent conduct, evidence of a single prior violent act by the victim is admissible since it tends to establish the victim's character for violence and is relevant to whether the accused's belief that he was in danger of serious injury or death was reasonable." *Com. v. Beck*, 402 A.2d 1371, 1374 (Pa. 1979) (citing *Com. v. Stewart*, 394 A.2d 968 (Pa. 1978)).

Courts also allow the introduction of character evidence to prove the decedent's violent propensities where self-defense is asserted and where there is an issue as to who was the aggressor. *Id.* Defendant's knowledge of the decedent's character is unnecessary if the character evidence is offered to prove the decedent, with his violent propensities, was the aggressor. *Id.* (citation omitted).

Commonwealth alleges that Defendant used excessive force by stabbing the victim 140 times and, therefore, cannot establish a valid claim for self-defense. For this reason, Commonwealth argues the evidence of the alleged victim's character is inadmissible.

The Crimes Code provides that:

The use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

**18 Pa.C.S.A. § 505(a).** The use of deadly force is limited to situations where "the actor believes that such force is necessary to protect himself against death or serious bodily injury." *Com. v. Mayfield*, 585 A.2d 1069, 1070 (Pa. Super 1991); **§ 505(b)(2).** Before the issue of self-defense may be submitted to the jury, a valid claim for self-defense must be made out as a matter of law. *Mayfield*, 585 A.2d at 1070.

[T]o establish the defense of self-defense it must be shown that a) the slayer was free from fault in provoking or continuing the difficulty which resulted in the slaying; b) that the slayer must have reasonably believed that he was in imminent danger of death or great bodily harm, and that there was a necessity to use such force in order to save himself therefrom; and c) the slayer did not violate any duty to retreat or to avoid the danger.

*Id.* at 1071.

If any evidence exists, from whatever source, that will support these three elements then the decision as to whether the self-defense claim is valid is left to the jury and a charge of self-defense must be given to the jury. *Id.* This is so even if the evidence of self-defense may not appear credible to the trial court. *Id.* While there is no burden on defendant to prove self-defense, before such defense is properly at issue, there must be some evidence to justify such a finding. *Id.* The Commonwealth need only disprove one of the three elements to defeat a claim of self-defense. *Com. v. Miller*, 634 A.2d 614, 619 (Pa. Super. 1993).

When the accused raises an issue of self-defense, the burden is on the Commonwealth to prove beyond a reasonable doubt that the killing was not done in self-defense. *Com. v. Burns*, 416 A.2d 506, 507 (Pa. 1980).

That burden could be met by evidence showing that appellant was not free from fault in provoking or continuing the confrontation; or by showing that appellant did not reasonably believe it necessary to kill in order to protect himself against death or serious bodily injury; or by showing that appellant used greater force than reasonably appeared necessary to save himself; or by showing that appellant had a duty to retreat or avoid the danger presented by the deceased.

*Com. v. Gillespie*, 434 A.2d 781, 784 (Pa. Super. 1981).

At this time, the Court cannot accept the Commonwealth's contention. It is difficult to conceive of a scenario where a defendant stabbed a person 140 times and it not be considered excessive use of force. However, whether such conduct constitutes excessive force in any given case is a question of fact. Presently, it is unknown by the Court what evidence will be presented at trial. If any evidence is presented that supports the three elements of self-defense, then Defendant would be entitled to proceed on that theory. His right to do so cannot be restricted before trial commences.

However, this is not to say that Defendant may automatically introduce the evidence he seeks to admit. Initially, if Defendant is seeking to show his state of mind, evidence would need to be presented demonstrating that Defendant was aware of the victim's violent propensities at the time of the alleged homicide. At this time,

there is no evidence before the Court, other than Defendant's assertion in his Motion, that he had knowledge of these alleged prior acts of violence of the victim. Therefore, the Court cannot rule at this juncture. If the Defendant can show that he had such knowledge he would then be entitled to support his claim that he feared for his life by introduction of the proffered evidence, provided the proper foundation is established.

On the question of who was the aggressor, Defendant's knowledge is irrelevant. If self-defense is asserted at trial and an issue arises about who was the aggressor, Defendant would be entitled to introduce the proffered evidence in an attempt to establish the victim as the aggressor, again provided the proper foundation is established.

The Court is well aware of the difficulties this ruling may place on the parties in preparation for trial. However, there is simply not enough evidence before the Court for it to conclusively rule on Defendant's motion. The Court has no evidence before it about what Defendant knew about victim on the night of the alleged homicide, who the initial aggressor was, or if Defendant will in fact raise a claim of self-defense.

Accordingly, decision on Defendant's motion is deferred until trial. At that time, if necessary, the Court will rule from the bench on the admissibility of Defendant's proffered evidence. Any preliminary testimony that would be necessary to determine the admissibility of this evidence can be conducted outside the presence of the jury, if necessary.

#### ORDER

AND NOW, this 2nd day of December, 2009, for the reasons set forth in the attached Opinion, ruling on Defendant's Second Motion In Limine filed June 24, 2009, is deferred until the time of trial.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-8 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution  
No. 10-S-8

HSBC BANK USA, NATIONAL  
ASSOCIATION AS TRUSTEE FOR  
DEUTSCHE ALT 2007-4  
vs.

TIMOTHY RILL

29 COMMERCE STREET  
NEW OXFORD, PA 17350-1704

Parcel No.: 34-005-0207-000  
(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$119,261.58

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as  
the property of **Timothy Rill** and to be  
sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND  
CLAIMANTS: You are notified that a  
schedule of distribution will be filed by the  
Sheriff in his office on July 30, 2010, and  
distribution will be made in accordance  
with said schedule, unless exceptions are  
filed thereto within 20 days after the filing  
thereof. Purchaser must settle for prop-  
erty on or before filing date.

ALL claims to property must be filed  
with Sheriff before sale.

As soon as the property is declared  
sold to the highest bidder, 20% of the  
purchase price or all of the cost,  
whichever may be the higher, shall be  
paid forthwith to the Sheriff.

6/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-181 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution  
No. 10-S-181

HSBC BANK USA NA AS TRUSTEE  
FOR DEUTSCHE ALT 2007-4  
vs.

TIMOTHY RILL

33 COMMERCE STREET  
NEW OXFORD PA 17350-1704

Parcel No.: 34-005-0209---000  
(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$118,434.81

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as  
the property of **Timothy Rill** and to be  
sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND  
CLAIMANTS: You are notified that a  
schedule of distribution will be filed by the  
Sheriff in his office on July 30, 2010, and  
distribution will be made in accordance  
with said schedule, unless exceptions are  
filed thereto within 20 days after the filing  
thereof. Purchaser must settle for prop-  
erty on or before filing date.

ALL claims to property must be filed  
with Sheriff before sale.

As soon as the property is declared  
sold to the highest bidder, 20% of the  
purchase price or all of the cost,  
whichever may be the higher, shall be  
paid forthwith to the Sheriff.

6/11, 18 & 25

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-610 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution  
No. 09-S-610

US BANK NA AS TRUSTEE FOR RALI  
2006QS2

vs.

DORIS L. ROBINETTE

873 HANOVER PIKE  
LITTLESTOWN PA 17340-9613

Parcel No.: 41-17-0066---000  
(Acreage or street address)

IMPROVEMENTS THEREON:  
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$184,831.15

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as  
the property of **Doris L. Robinette** and  
to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND  
CLAIMANTS: You are notified that a  
schedule of distribution will be filed by the  
Sheriff in his office on July 30, 2010, and  
distribution will be made in accordance  
with said schedule, unless exceptions are  
filed thereto within 20 days after the filing  
thereof. Purchaser must settle for prop-  
erty on or before filing date.

ALL claims to property must be filed  
with Sheriff before sale.

As soon as the property is declared  
sold to the highest bidder, 20% of the  
purchase price or all of the cost,  
whichever may be the higher, shall be  
paid forthwith to the Sheriff.

6/11, 18 & 25



## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-195 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-195

HSBC BANK USA N.A.

vs.

ROBERT M. STANHOPE, JR.  
& LINDA Y. STANHOPE

395 ROCK VALLEY ROAD  
ASPERS, PA 17304-9756

Parcel No.: 40-H06-0106B---000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$192,724.51

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Robert M. Stanhope, Jr. & Linda Y. Stanhope** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 30, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

6/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-210 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-210

AURORA LOAN SERVICES, LLC

vs.

BETTY A. RUEL and PETER R. RUEL,  
JR.

465 RACETRACK ROAD  
ABBOTTSTOWN, PA 17301-9517

Parcel No.: 04-K11-0129-000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$240,124.76

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Betty A. Ruel & Peter R. Ruel, Jr.** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 30, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

6/11, 18 & 25

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-146 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 9th day of July, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-146

GMAC MORTGAGE, LLC

vs.

JOYCE A. TRACY

15 STARLITE DRIVE  
LITTLESTOWN PA 17340-1660

Parcel No.: 27-012-0083---000

(Acreage or street address)

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$131,793.08

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

SEIZED and taken into execution as the property of **Joyce A. Tracy** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on July 30, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

6/11, 18 & 25

**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN** that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

**FIRST PUBLICATION****ESTATE OF ROBERT M. KENNEDY, JR., DEC'D**

Late of Tyrone Township, Adams County, Pennsylvania

Co-Executors: Michael K. Kennedy, 1025 Waynesboro Pike, Fairfield, PA 17320; Eileen M. Stough, 345 Bermudian Creek Road, East Berlin, PA 17316

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF JOHN E. MATTHEWS, DEC'D**

Late of Germany Township, Adams County, Pennsylvania

Executors: Janet L. Thomas, 60 E. King Street, Littlestown, PA 17340; David N. Matthews, 1858 Fish & Game Road, Littlestown, PA 17340

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

**ESTATE OF HELEN A. WIRTH, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Herbert F. Wirth, Jr., 1789 Mummasburg Rd., Gettysburg, PA 17325; William F. Wirth, 30 Park Ave., Gettysburg, PA 17325

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

**SECOND PUBLICATION****ESTATE OF ETHEL K. BOUCHARD, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Dale Kepner, 354 South Riverside Drive, Crownsville, MD 21032

Attorney: John A. Wolfe, Esq., Wolfe & Rice, LLC, 47 West High Street, Gettysburg, PA 17325

**ESTATE OF JAMES V. CRISFULLI, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executors: Mark Gary Crisfulli and Thomas Gordon Crisfulli

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger St., Suite 4, Hanover, PA 17331

**ESTATE OF LILLIAN A. GROFT, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executrices: Donna L. Rudisill and Kay F. Logue, c/o James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York St., Hanover, PA 17331

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, 40 York St., Hanover, PA 17331

**ESTATE OF JAMES WILLIAM HALE, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administrator: James C. Hale, 116 Seminary Ave., Gettysburg, PA 17325

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF JOAN B. MALONEY, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania

Executors: John Mark Maloney, 2475 Mummasburg Road, Gettysburg, PA 17325; Kristen F. (Smith) Maloney, 614 Boulevard, Westfield, NJ 07090; Erin B. Maloney, 1203 Prospect St., Westfield, NJ 07090

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

**ESTATE OF VICTORIA LEE MILLER a/k/a VICTORIA MILLER a/k/a VICKY MILLER a/k/a VICTORIA L. MILLER, DEC'D**

Late of the Borough of East Berlin, Adams County, Pennsylvania

Co-Administrators: Brenda L. Gross, Richard E. Crone, c/o Terence J. Barna, Esq., Benn Law Firm, 103 E. Market Street, P.O. Box 5185, York, PA 17405-5185

Attorney: Terence J. Barna, Esq., Benn Law Firm, 103 E. Market Street, P.O. Box 5185, York, PA 17405-5185

**ESTATE OF JAMES R. SHETTER, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Victoria A. Biesecker, 440 Queen Street, Gettysburg, PA 17325; Teresa M. Myers, 725 Old Route 30, Orrtanna, PA 17353

Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

**ESTATE OF BARRY L. STEVENS, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Administrator: Bart A. Stevens, c/o James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

**THIRD PUBLICATION****ESTATE OF CHARLES W. EMLET, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Personal Representative: Keith A. Mummert, 217 Lincolnway East, New Oxford, PA 17350

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

**ESTATE OF GERALDINE C. FETROW, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Patricia A. Fetrow, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

**ESTATE OF HAZEL V. SIECKENIUS, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: E. Eugene Pyles, 66 Bragg Dr., East Berlin, PA 17316

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

NOTICE OF ACTION IN  
MORTGAGE FORECLOSUREIN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIACIVIL ACTION—LAW  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
ADAMS COUNTY  
NO. 09-S-778Chase Home Finance, LLC  
vs.

Daivd O. Smith

NOTICE

To Daivd O. Smith

You are hereby notified that on 5/19/2009, Plaintiff, Chase Home Finance, LLC, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend against you in the Court of Common Pleas of Adams County Pennsylvania, docketed to No. 09-S-778. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 7 Brooke Court Unit 91 Gettysburg, PA 17325 whereupon your property would be sold by the Sheriff of Adams County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

ADAMS COUNTY  
COURT ADMINISTRATOR  
ADAMS COUNTY COURTHOUSE  
GETTYSBURG, PA 17325  
(717) 334-6781, EXT. 213LAWYER REFERRAL SERVICE  
MIDPENN LEGAL SERVICES  
128 BRECKENRIDGE STREET  
GETTYSBURG, PA 17325  
(717) 334-7624

6/25

IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIACIVIL ACTION—LAW  
NO. 10-S-856  
ACTION IN CUSTODY

JORGE TERRY, Plaintiff

vs.

JUANA MARLENIA LOPEZ VALVERDE  
and JUAN MANUEL CHERO, Defendant.NOTICE TO JUANA MARLENIA  
LOPEZ VALVERDE AND  
JUAN MANUEL CHERO

A Custody Complaint has been filed against you asking the Court to grant sole legal and sole physical custody of your child **Jhon Cesar Chero-Lopez** to Jorge Terry. The Court has set a hearing to consider this request. **That hearing will be held in the Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, PA, Courtroom #3 on June 29, 2010 at 10:00 a.m.** You are warned that even if you fail to appear at the scheduled hearing, an Order for custody, partial custody or visitation may be entered against you, or the Court may issue a warrant for your arrest. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Adams County Court  
Administrator's Office  
Adams County Courthouse  
Gettysburg, Pennsylvania, 17325  
Telephone: (717) 337-9846

6/25

NOTICE BY THE ADAMS COUNTY  
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphan's Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Thursday, July 8th, 2010 at 8:30 a.m.

**KEMPTON**—Orphan's Court Action Number – OC-57-2009. The First and Final Account of Pamela Anne Kempton, Administratrix of the Estate of Alan Richard Kempton, late of the Borough of Bonneauville, Adams County, Pennsylvania, deceased.

**ORNER**—Orphan's Court Action Number – OC-53-2010. The First and Final Account of Dean R. Hoffman, Accountant and Executor of the Estate of Sara J. Orner, late of Cumberland Township, Adams County, Pennsylvania, deceased.

**WEIGANDT**—Orphan's Court Action Number – OC-62-2010. The First and Final Account of Benny M. Akers, Executor of the Estate of Irvin W. Weigandt, late of Hamiltonban Township, Adams County, Pennsylvania, deceased.

Kelly A. Lawver  
Clerk of Courts

6/25 &amp; 7/2

